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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,130	06/27/2003	Kai O. Ullrich	37874-079	6685

64280 7590 02/06/2007  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.  
9255 TOWNE CENTER DRIVE  
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SAN DIEGO, CA 92121

EXAMINER
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WYSZYNSKI, AUBREY H

ART UNIT	PAPER NUMBER
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2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/609,130

Applicant(s)

ULLRICH, KAI O.

Examiner

Aubrey H. Wyszynski

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

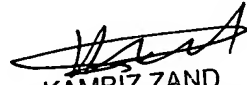
### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
KAMBIZ ZAND  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The response of 11/24/06 was received and considered.
2. Claims 1-19 are pending.

***Response to Amendment***

3. Claims 1, 15, and 18 have been amended and claim 19 has been added.
4. Claim 15 has been amended to overcome the 35 U.S.C. 112, second paragraph rejection. Therefore, the rejection is withdrawn.
5. The deceleration filed on 11/24/06 under 37 CFR 1.131 has been considered but is ineffective to overcome the Busboom reference.
6. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Busboom reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The evidence provided does is insufficient because the evidence fails to support several claim limitations. For example, the evidence lacks support for the following claim limitations: "providing content in a portal", "receiving a request from a user for a portal content component", "displaying the requested portal content component", "comparing the weight of the previous authentication requirement with the weight of the authentication requirement for the portal content component", "displaying a logon

component", "providing the user an option for selecting one of the plurality of authentication mechanisms", " a portal runtime engine for receiving portal content component requests and for displaying one or more requested portal content components" and "determining whether the first value is equal or greater than a second value associated with the authentication requirement for the portal content component".

7. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Busboom reference. There was no evidence submitted to prove reduction to practice of the invention.

8. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Busboom reference to either a constructive reduction to practice or an actual reduction to practice.

### ***Response to Arguments***

9. Applicant's arguments filed 11/24/06 have been fully considered but they are not persuasive.

10. The Busboom reference is prior art because the Declaration of Kai Ullrich under 37 C.F.R. 1.131 is insufficient to overcome the reference.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-8 and 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson et al., U.S. Patent Application Publication Number 2002/0053023, and further in view of Busboom et al., U.S. Patent Application Publication, 2006/0053296.

Regarding claim 1, Patterson discloses computer-implemented method of providing content in a portal (fig. 4, #80 and ¶[0048], lines 1-3), the method comprising: receiving a request from a user for a portal content component (fig. 7, #S1 and ¶[0055]); and determining whether the user has satisfied a previous authentication requirement for the portal that is equal to or greater than an authentication requirement for the portal content component (fig. 7, #S3-S4). Patterson wherein the portal content component is one of a plurality of portal content components and at least two of the portal content components have different authentication requirements. However, Busboom discloses wherein the portal content component is one of a plurality of portal content components and at least two of the portal content components have different authentication requirements (¶[0129] and ¶[1046]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Patterson with the device of Busboom to provide a plurality of different authentication mechanism for authenticating the user to heighten security as taught by Busboom (¶[0146]).

Regarding claim 2, Patterson further discloses if the previous authentication requirement is less than the authentication requirement for the portal content component, providing an authentication mechanism according to the authentication requirement for the portal content component (fig. 7, #S6-S8 and fig. 9, #S20-S21).

Regarding claim 3, Patterson further discloses if the previous authentication requirement is equal to or greater than the authentication requirement for the portal content component, displaying the requested portal content component (fig. 8A-B, #S10-S12).

Regarding claim 4, Patterson discloses the method in accordance with claim 1 but Patterson lacks or does not expressly disclose wherein each authentication requirement is defined by a weight. However, Busboom discloses wherein each authentication requirement is defined by a weight (§[0109]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Patterson with the device of Busboom to define a strength or priority to the authentication requirements in order to define a particular level of security according to the service provider as taught by Busboom (§[0109]).

Regarding claim 5, Busboom further discloses comparing the weight of the previous authentication requirement with the weight of the authentication requirement for the portal content component (§[0027]).

Regarding claim 6, Patterson further discloses displaying a logon component of the authentication mechanism (§[0021]).

Regarding claim 7, Patterson discloses a computer-implemented method of providing content in a portal (fig. 4, #80 and §[0048], lines 1-3), the method comprising: receiving a request from a user to access the portal; and in response to the request (fig. 7, #S1 and §[0055]). Patterson lacks or does not expressly disclose providing a selected one of a plurality of authentication mechanisms for authenticating the user and enabling access to the portal, wherein each authentication mechanism includes a different authentication requirement. However, Busboom discloses providing a selected one of a plurality of authentication mechanisms for authenticating the user and enabling access to the portal, wherein each authentication mechanism includes a different authentication requirement (§[0129] and §[1046]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Patterson with the device of Busboom to provide a plurality of authentication mechanism for authenticating the user to heighten security as taught by Busboom (§[0146]).

Regarding claim 8, Busboom further discloses wherein each authentication requirement corresponds to at least one portal content component (§[0146]).

Regarding claim 10, Patterson further discloses receiving a request from the user for a first portal content component (fig. 7, #S1); and determining whether the user has satisfied a previous authentication requirement for the portal that is equal to or greater than an authentication requirement for the first portal content component (fig. 7, #S2-S4).

Regarding claim 11, Patterson further discloses if the previous authentication requirement is less than the authentication requirement for the first portal content component, providing an authentication mechanism according to the authentication requirement for the first portal content component (fig. 7, #S6-S8 and fig. 9, #S20-S21).

Regarding claim 12 Patterson further discloses if the previous authentication requirement is equal to or greater than the authentication requirement for the first portal content component, displaying the first portal content component (§[0021]).

Regarding claims 13 and 19, Patterson lacks or does not expressly disclose receiving a request from the user for a second portal content component; and determining whether the authentication requirement for the first portal content component is equal to or greater than an authentication requirement for the second portal content component. However, Busboom discloses receiving a request from the user for a second portal content component (fig. 10, #102a); and determining whether the authentication requirement for the first portal content component is equal to or greater than an



authentication requirement for the second portal content component (fig. 10, #102b). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the device of Patterson with the device of Busboom to access a second portal content and require further authentication as a heightened security measure, as taught by Busboom (¶[0146]).

Regarding claim 14, Busboom further discloses if the authentication requirement for the first portal content component is less than the authentication requirement for the second portal content component, providing an authentication mechanism according to the authentication requirement for the second portal content component (fig. 10, #103b).

Regarding claim 15, Busboom further discloses if the authentication requirement for the first portal content component is equal to or greater than the authentication requirement for the second portal content component, displaying the second portal content component (¶[0146], lines 14-17, and fig. 10, "continuation of service session").

Claims 16 and 17 are substantially equivalent to claims 4 and 5 and therefore rejected under similar rationale.

Regarding claim 18, Patterson discloses system for providing content in a portal (fig. 4, #80 and ¶[0048], lines 1-3), the system comprising a portal content directory (fig. 4, #84 & #86 and ¶[0045]) storing a plurality of portal content components, each portal content

component having an authentication requirement for access thereto; a portal runtime engine for receiving portal content component requests and for displaying one or more requested portal content components (fig. 4, #82 & #80); and an authenticator/validation system (fig. 4, #80) configured to determine whether the user has satisfied a previous authentication requirement for the portal that is equal to or greater than an authentication requirement for a requested portal content component (fig. 7, #S1-S9). Patterson wherein the portal content component is one of a plurality of portal content components and at least two of the portal content components have different authentication requirements. However, Busboom discloses wherein the portal content component is one of a plurality of portal content components and at least two of the portal content components have different authentication requirements (§[0129] and §[1046]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Patterson with the device of Busboom to provide a plurality of different authentication mechanism for authenticating the user to heighten security as taught by Busboom (§[0146]).

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of Busboom as applied to claim 8 above, and further in view of Watanabe, U.S. Patent Application Publication Number 2003/0084289.

Regarding claim 9, Patterson in view of Busboom disclose the method in accordance with claim 8, but lack or do not expressly disclose providing the user an option for selecting one of the plurality of authentication mechanisms. However, Watanabe discloses providing the user an option for selecting one of the plurality of authentication mechanisms (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Patterson in view of Busboom with the device of Watanabe to allow the user to select on of a plurality of authentication mechanisms in order to allow the user to be authenticated without causing an authentication error by a specific authentication process, as taught by Watanabe (¶[0011]).

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

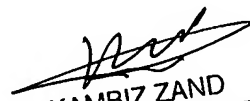
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Wyszynski whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, and alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 5712723811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHW

  
KAMBIZ ZAND  
PRIMARY EXAMINER